

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER AND GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
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August 19, 2004

John A. Saurenman
Supervising Deputy Attorney General
Office of the Attorney General
Lands Section
300 South Spring Street
Los Angeles, California 90013

**Soka Acquisition Project Planning and Design
Proposition 50 Grant Application**

Dear John:

Enclosed please find a proposed grant application submitted in draft form by the Mountains Recreation and Conservation Authority (MRCA) and drafts of the Santa Monica Mountains Conservancy grant agreement, staff report and resolution.

The MRCA is requesting a grant in the amount of \$200,000 from the Conservancy's Proposition 50 funds to be used for project planning and design for the acquisition of the 588 acre Soka property located in the Santa Monica Mountains adjacent to Malibu Creek State Park. The grant application also includes a request for funds to make some initial improvements to protect the property in anticipation of the transaction being finalized.

Section 79570(c) of the Water Code provides that the Conservancy may make grants for the above purposes.

Pursuant to Section 5 of the Budget Control Language the Conservancy requests that your office review the enclosed draft and provide the Conservancy with advice as to whether the proposed grant is in compliance with the General Obligation Bond Law.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie C. Collins".

LAURIE C. COLLINS
Chief Staff Counsel

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 24, 2004

Laurie Collins
Chief Staff Counsel
Santa Monica Mountains Conservancy
Los Angeles River Center and Gardens
570 West Avenue Twenty-Six, Suite 100
Los Angeles, CA 90065

RE: Proposition 50 Grant to MRCA for Planning for Soka University Acquisition

Dear Ms. Collins:

You have asked that the Office of the Attorney General review the above-referenced grant to the Mountains Recreation and Conservation Authority (MRCA) and advise the Conservancy whether the grant complies with the General Obligation Bond Law and Proposition 50.

Based on the information you have provided, the Conservancy proposes to grant \$200,000 in Proposition 50 bond funds to the MRCA. The MRCA states that all the funded activities will be directly related to acquisition, protection and restoration of land and water resources at this site. Thus, the MRCA proposes to use these funds for two purposes. First, it will use the funds to plan and prepare for the acquisition of 588 acres from Soka University in the Malibu Creek watershed, e.g., preparation of acquisition documents, securing funding for the acquisition, establishing an escrow, and obtaining and reviewing title reports and appraisals. Second, a portion of the funds will be used for post-acquisition site improvements to ensure adequate and safe public access, to protect sensitive resources and habitat restoration.

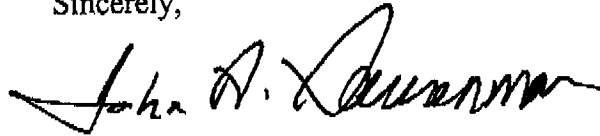
Proposition 50 makes available \$200 million "for expenditures and grants for the purpose of protecting coastal watersheds, including, but not limited to, acquisition, protection, and restoration of land and water resources and associated planning, permitting and administrative costs." (Wat. Code, § 79570.) Proposition 50 then provides \$20 million to the Conservancy to be expended for protection of Santa Monica Bay and Ventura County coastal watersheds. (Wat. Code, § 79570, subd. (c).) Thus, the acquisition and restoration of land and water resources in

Laurie Collins
August 24, 2004
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the Santa Monica Bay and Ventura County coastal watersheds is an authorized means of protecting those watersheds. Proposition 50, consistent with Government Code section 16727, also authorizes the expenditure of bond funds for planning, permitting and administrative costs.

This grant is for planning and restoration of a land or water resource in the coastal zone in the Malibu Creek watershed (a coastal watershed of Santa Monica Bay). We find this grant is proper under the General Obligation Bond Law and Proposition 50.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Saurenman". The signature is fluid and cursive, with a long horizontal stroke at the end.

JOHN A. SAURENMAN
Supervising Deputy Attorney General

For BILL LOCKYER
Attorney General